

AMENDED IN SENATE AUGUST 23, 2004
AMENDED IN SENATE SEPTEMBER 8, 2003
AMENDED IN SENATE JULY 2, 2003
AMENDED IN ASSEMBLY JUNE 2, 2003
AMENDED IN ASSEMBLY MAY 12, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 105

Introduced by Assembly Member Wiggins
(Coauthors: Assembly Members Berg, Lowenthal, Matthews,
Pavley, Reyes, Salinas, and Wolk)

January 10, 2003

An act to repeal Division 10.25 (commencing with Section 10278) and Division 10.4 (commencing with Section 10285) of the Public Resources Code, and to amend Section 8557, 10644, and 10753.7 of the Water Code, relating to resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 105, as amended, Wiggins. Agriculture and Water Omnibus Act of 2003.

(1) Existing law establishes the California Environmental Quality Improvement Revolving Loan Program within the Department of Conservation to provide loans to farmers to carry out practices approved for cost-share payments under the federal Environmental Quality Incentive Program.

This bill would repeal the provisions establishing that program.

(2) Existing law establishes the Coastal Farmland Preservation Program, which requires the State Coastal Conservancy and the Department of Conservation to enter into a memorandum of understanding to ensure that the program is a coordinated effort and meets the goals of coastal farmland preservation and the California Farmland Conservancy Program Act.

This bill would repeal the provisions establishing the Coastal Farmland Preservation Program.

(3) Existing law requires the Reclamation Board to have its office in the City of Sacramento.

This bill would require the board to have its office in the County of Sacramento.

(4) Existing law requires an urban water supplier to prepare and update an urban water management plan, and to submit copies of the plan to the Department of Water Resources and any city or county within which the urban water supplier provides water supplies.

This bill, in addition, would require the urban water supplier to submit a copy of the plan to the California State Library.

(5) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill, instead, would apply those requirements only to that provision relating to those funding requirements.

(6) The California Safe Drinking Water Bond Law of 1988 authorizes board proceeds in the California Safe Drinking Water Fund to be used for a grant program with grants provided to prescribed entities, subject to specific approval of the Legislature.

This bill would make an appropriation by authorizing the department to make grants from the fund to specified entities for the purposes of financing domestic water system improvement projects to meet state and federal drinking water standards.

(7) This bill would declare ~~the Legislature's intent relating to appropriations in the Budget Act.~~



~~(8) This bill would declare~~ that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Agriculture and Water Omnibus Act of 2003.

3
4 SEC. 2. Division 10.25 (commencing with Section 10278) of
5 the Public Resources Code is repealed.

6 SEC. 3. Division 10.4 (commencing with Section 10285) of
7 the Public Resources Code is repealed.

8 SEC. 4. Section 8557 of the Water Code is amended to read:
9 8557. The board shall have its office in the County of
10 Sacramento. The office is the principal place of business and legal
11 residence of the board and of the drainage district.

12 SEC. 5. Section 10644 of the Water Code is amended to read:
13 10644. (a) An urban water supplier shall submit to the
14 department, the California State Library, and any city or county
15 within which the supplier provides water supplies a copy of its plan
16 no later than 30 days after adoption. Copies of amendments or
17 changes to the plans shall be submitted to the department, the
18 California State Library, and any city or county within which the
19 supplier provides water supplies within 30 days after adoption.

20 (b) The department shall prepare and submit to the Legislature,
21 on or before December 31, in the years ending in six and one, a
22 report summarizing the status of the plans adopted pursuant to this
23 part. The report prepared by the department shall identify the
24 outstanding elements of the individual plans. The department shall
25 provide a copy of the report to each urban water supplier that has
26 submitted its plan to the department. The department shall also
27 prepare reports and provide data for any legislative hearings
28 designed to consider the effectiveness of plans submitted pursuant
29 to this part.

30 SEC. 6. Section 10753.7 of the Water Code is amended to
31 read:

32 10753.7. (a) For the purposes of qualifying as a groundwater
33 management plan under this section, a plan shall contain the

1 components that are set forth in this section. In addition to the
2 requirements of a specific funding program, any local agency
3 seeking state funds administered by the department for the
4 construction of groundwater projects or groundwater quality
5 projects, excluding programs that are funded under Part 2.78
6 (commencing with Section 10795), shall do all of the following:

7 (1) Prepare and implement a groundwater management plan
8 that includes basin management objectives for the groundwater
9 basin that is subject to the plan. The plan shall include components
10 relating to the monitoring and management of groundwater levels
11 within the groundwater basin, groundwater quality degradation,
12 inelastic land surface subsidence, and changes in surface flow and
13 surface water quality that directly affect groundwater levels or
14 quality or are caused by groundwater pumping in the basin.

15 (2) For the purposes of carrying out paragraph (1), the local
16 agency shall prepare a plan to involve other agencies that enables
17 the local agency to work cooperatively with other public entities
18 whose service area or boundary overlies the groundwater basin.

19 (3) For the purposes of carrying out paragraph (1), the local
20 agency shall prepare a map that details the area of the groundwater
21 basin, as defined in the department's Bulletin No. 118, and the area
22 of the local agency, that will be subject to the plan, as well as the
23 boundaries of other local agencies that overlie the basin in which
24 the agency is developing a groundwater management plan.

25 (4) The local agency shall adopt monitoring protocols that are
26 designed to detect changes in groundwater levels, groundwater
27 quality, inelastic surface subsidence for basins for which
28 subsidence has been identified as a potential problem, and flow
29 and quality of surface water that directly affect groundwater levels
30 or quality or are caused by groundwater pumping in the basin. The
31 monitoring protocols shall be designed to generate information
32 that promotes efficient and effective groundwater management.

33 (5) Local agencies that are located in areas outside the
34 groundwater basins delineated on the latest edition of the
35 department's groundwater basin and subbasin map shall prepare
36 groundwater management plans incorporating the components in
37 this subdivision, and shall use geologic and hydrologic principles
38 appropriate to those areas.

39 (b) (1) (A) A local agency may receive state funds
40 administered by the department for the construction of

1 groundwater projects or for other projects that directly affect
2 groundwater levels or quality if it prepares and implements,
3 participates in, or consents to be subject to, a groundwater
4 management plan, a basinwide management plan, or other
5 integrated regional water management program or plan that meets,
6 or is in the process of meeting, the requirements of subdivision (a).
7 A local agency with an existing groundwater management plan
8 that meets the requirements of subdivision (a), or a local agency
9 that completes an upgrade of its plan to meet the requirements of
10 subdivision (a) within one year of applying for funds, shall be
11 given priority consideration for state funds administered by the
12 department over local agencies that are in the process of
13 developing a groundwater management plan. The department
14 shall withhold funds from the project until the upgrade of the
15 groundwater management plan is complete.

16 (B) Notwithstanding subparagraph (A), a local agency that
17 manages groundwater under any other provision of existing law
18 that meets the requirements of subdivision (a), or that completes
19 an upgrade of its plan to meet the requirements of subdivision (a)
20 within one year of applying for funding, shall be eligible for
21 funding administered by the department. The department shall
22 withhold funds from a project until the upgrade of the groundwater
23 management plan is complete.

24 (C) Notwithstanding subparagraph (A), a local agency that
25 conforms to the requirements of an adjudication of water rights in
26 the groundwater basin is in compliance with subdivision (a). For
27 purposes of this section, an “adjudication” includes an
28 adjudication under Section 2101, an administrative adjudication,
29 and an adjudication in state or federal court.

30 (D) Subparagraphs (A) and (B) do not apply to proposals for
31 funding under Part 2.78 (commencing with Section 10795), or to
32 funds authorized or appropriated prior to September 1, 2002.

33 (2) Upon the adoption of a groundwater management plan in
34 accordance with this part, the local agency shall submit a copy of
35 the plan to the department, in an electronic format, if practicable,
36 approved by the department. The department shall make available
37 to the public copies of the plan received pursuant to this part.

38 SEC. 7. (a) Pursuant to Sections 14011 and 14012 of the
39 Water Code, the Department of Water Resources may make grants
40 from the California Safe Drinking Water Fund in accordance with

1 the California Safe Drinking Water Bond Law of 1988 (Chapter
2 16 (commencing with Section 14000) of Division 7 of the Water
3 Code) to the following entities in the following amounts for the
4 purpose of financing domestic water system improvement projects
5 to meet state and federal drinking water standards:

6 (1) El Nido Elementary School in Merced County for up to one
7 hundred twenty-five thousand dollars (\$125,000).

8 (2) Mattole Triple Junction High School in Humboldt County
9 for up to one hundred eighty-five thousand dollars (\$185,000).

10 (3) Orosi High School in Tulare County for up to four hundred
11 thousand dollars (\$400,000).

12 (4) Sequoia Union School District in Tulare County for up to
13 four hundred thousand dollars (\$400,000).

14 (5) Cuyama Elementary School in Santa Barbara County for up
15 to one hundred fifty thousand dollars (\$150,000).

16 (6) Maple School in Kern County for up to four hundred
17 thousand dollars (\$400,000).

18 (7) Roselawn High School in Stanislaus County for up to three
19 hundred fifty thousand dollars (\$350,000).

20 (8) Dehesa Elementary School in San Diego County for up to
21 four hundred thousand dollars (\$400,000).

22 (9) Lovell School in Tulare County for up to four hundred
23 thousand dollars (\$400,000).

24 (10) Citrus South Tule School in Tulare County for up to three
25 hundred fifty thousand dollars (\$350,000).

26 (11) Oasis School in Riverside County for up to one hundred
27 twenty thousand dollars (\$120,000).

28 (12) Kit Carson Elementary School in Kings County for up to
29 three hundred fifty thousand dollars (\$350,000).

30 (13) Piute Mountain School in Kern County for up to one
31 hundred twenty-five thousand dollars (\$125,000).

32 (14) Whale Gulch Elementary School in Mendocino County
33 for up to one hundred twenty-five thousand dollars (\$125,000).

34 (15) Pioneer Elementary School in Kings County for up to
35 three hundred fifty thousand dollars (\$350,000).

36 (b) The Department of Water Resources shall determine
37 eligibility for, and the amount of, any grant authorized in
38 subdivision (a) in accordance with the California Safe Drinking
39 Water Bond Law of 1988 (Chapter 16 (commencing with Section

1 14000) of Division 7 of the Water Code), and may make those
2 grants in accordance with that bond law.

3 ~~SEC. 8. From the funds available for grants under subdivision~~
4 ~~(f) of Section 5096.650 of the Public Resources Code, and to the~~
5 ~~extent permitted under the California Clean Water, Clean Air, Safe~~
6 ~~Neighborhood Parks, and Coastal Protection Act of 2002, it is the~~
7 ~~intent of the Legislature to appropriate in the annual Budget Act~~
8 ~~or acts the sum of forty-four million eight hundred thirty-two~~
9 ~~thousand dollars (\$44,832,000) to the Department of~~
10 ~~Conservation for grants under the California Farmland~~
11 ~~Conservancy Program Act and for associated program costs, and~~
12 ~~the sum of three million one hundred sixty-eight thousand dollars~~
13 ~~(\$3,168,000) to the Wildlife Conservation Board for the purpose~~
14 ~~of protecting grazing lands and grasslands.~~

15 ~~SEC. 9.—~~

16 *SEC. 8.* This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety
18 within the meaning of Article IV of the Constitution and shall go
19 into immediate effect. The facts constituting the necessity are:

20 In order to remedy critical water and special district funding
21 problems, and to enhance agricultural land conservation, and
22 thereby protect the public health and safety as soon as possible, it
23 is necessary that this act take effect immediately.